



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 07-2986

Released: July 3, 2007

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF TRINSIC COMMUNICATIONS, INC. BY COMMUNICATIONS XCHANGE, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-99

Comments Due: July 17, 2007

Reply Comments Due: July 24, 2007

The following application was filed pursuant to section 63.03 of the Commission's rules requesting authority to transfer certain assets of Trinsic Communications, Inc. ("Trinsic Communications") to Communications Xchange, LLC ("CommX") (together with Trinsic, the "Applicants").¹ Trinsic Communications, a Delaware corporation, is a wholly-owned subsidiary of Trinsic, Inc., a Delaware corporation that provides interexchange services nationwide. Trinsic Communications is authorized to provide competitive local exchange and interexchange services nationwide with the exception of Alaska. CommX, a Florida limited liability company, is wholly-owned by CommX Holdings, Inc., a U.S.-based entity that does not have any telecommunications affiliates. Applicants state that, under the terms of the proposed transaction, CommX will acquire Trinsic's customers in Florida and New York that currently receive service via Trinsic's switches.²

¹ 47 C.F.R §§ 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed a supplement to their domestic section 214 application on June 19, 2007.

² On February 7, 2007, Trinsic Communications filed a petition for relief under Chapter 11 of the United States Bankruptcy Code in the Bankruptcy Court for the Southern District of Alabama. Following a court-supervised auction, Trinsic Communications entered into an Asset Purchase Agreement (APA) to sell substantially all of its assets to Tide Acquisition Corporation ("Tide"). Tide subsequently assigned its purchasing rights to Matrix Telecom, Inc. ("Matrix"). On May 29, 2007, the Commission granted the domestic section 214 application filed for the Matrix acquisition of assets. Notice of Domestic Section 214 Authorization Granted, WC Docket No. 07-87, Public Notice, DA 07-2227 (rel. May 29, 2007). Applicants state that the Trinsic Communications assets to be transferred to CommX are not part of the APA.

The Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules³ and that a grant of the application will serve the public interest, convenience, and necessity.

Application for the Acquisition of Assets of Trinsic Communications, Inc. by
Communications Xchange, LLC, WC Docket No. 07-99 (filed May 1, 2007)

GENERAL INFORMATION

The transfer of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file **comments on or before July 17, 2007** and **reply comments on or before July 24, 2007**. Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets on the 31st day after the date of this notice.⁴ Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- **For ECFS filers,** if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

³ 47 C.F.R. § 63.03(b)(2)(i).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpiweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; email: tracey.wilson-parker@fcc.gov;
- (3) Jodie May, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C234, Washington, D.C. 20554; e-mail: jodie.may@fcc.gov;
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (5) Jim Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: jim.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Jodie May at (202) 418-0913.

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